

REMARKS

Applicants respectfully request reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Claims 1, 4, 7, 10, 13 and 16 are currently being amended.

This amendment changes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

After amending the claims as set forth above, claims 1-24 are now pending in this application.

Examiner Interview

In accordance with 37 C.F.R. § 1.133, submitted herewith is a record of the substance of the interviews conducted on 7/1/2009 and 7/9/2009, as well as the follow up conversation on 7/14/09, with Examiner Herrera, regarding the above-captioned application. It is submitted that the Interview Summary (a copy of which is attached) provides a complete and proper recordation of the substance of the interview, per MPEP §713.04. This statement is being submitted within one (1) month of the mailing date (July 20, 2009) of the Interview Summary and is therefore a timely response.

Claim Objections

Claims 1-24 were objected to for informalities. In response, Applicants have amended claims 1, 4, 7, 10, 13 and 16 to correct the informalities. Accordingly, Applicants request that the objection be withdrawn.

Claim Rejections under 35 U.S.C. § 103

Claims 1-18 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Publication No. 2002/0039886 ("Doi") in view of U.S. Patent Publication No. 2001/0019952 ("Ishida"). In response, without agreeing or acquiescing to the rejection,

Applicants have amended independent claims 1, 4, 7, 10, 13 and 16. Further, Applicants respectfully traverse the rejection for the reasons set forth below.

Applicants rely on MPEP § 2143.03, which requires that all words in a claim must be considered in judging the patentability of that claim against the prior art. Here, the cited references do not identically disclose, teach or suggest all the claim limitations. *See In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974).

Independent claim 1 is directed to a “radio cell station apparatus to which a plurality of personal stations can establish space division multiple access, one or more reference signals, defined in said radio cell station apparatus and optimized for each multiplexed connection number of the personal stations establishing said space division multiple access to said radio cell station apparatus” comprising, in addition to other elements, “a multiplexed connection number detection unit for detecting a number of multiplexed connections of the personal stations establishing space division multiple access *during communication*; and a reference signal allocation unit for...allocating the switched reference signals to said plurality of personal stations respectively, *when the change in the number of multiplexed connections is detected during communication in said multiplexed connection number detection unit.*” (Emphasis added). Independent claims 4, 7, 10, 13 and 16 recite similar limitations.

Accordingly, in the claimed device the configuration is such that a unique word is switched in accordance with a change in the number of multiplexed connections during communication and after the sequence for establishing the link channel ends.

The Office Action acknowledges that Doi fails to disclose “a reference signal allocation unit for...allocating the switched reference signals to said plurality of personal stations respectively, when the change in the number of multiplexed connections is detected during communication in said multiplexed connection number detection unit” as claimed in claim 1. *See Office Action* at p. 5. To cure the deficiencies of Doi, the Office Action relies on Ishida. This contention is respectfully traversed.

In particular, it is submitted that secondary citation to Ishida does not remedy the conceded deficiency in the primary citation to Doi. Accordingly, without conceding the propriety of the asserted combination, the asserted combination of Doi and Ishida is likewise deficient, even in view of the knowledge of one of ordinary skill in the art.

Ishida is directed to *assigning a unique word in a sequence for establishing a link channel* between a mobile station and a wireless base station. For example, Figs. 6 and 8 of Ishida show a mobile station issuing a link channel assignment request and a base station returning a link channel assignment and unique word. However, “assigning a unique word in a sequence for establishing a link channel” is not identical to “allocating the switched reference signals to said plurality of personal stations respectively, *when the change in the number of multiplexed connections is detected during communication in said multiplexed connection number detection unit.*” Accordingly, Ishida fails to identically disclose, teach or suggest all the claim limitations as claimed in claim 1.

When determining whether a claim is obvious, an examiner must make “a searching comparison of the claimed invention – *including all its limitations* – with the teaching of the prior art.” *In re Ochiai*, 71 F.3d 1565, 1572 (Fed. Cir. 1995) (emphasis added). Thus, “obviousness requires a suggestion of all limitations in a claim.” *CFMT, Inc. v. Yieldup Intern. Corp.*, 349 F.3d 1333, 1342 (Fed. Cir. 2003) (citing *In re Royka*, 490 F.2d 981, 985 (CCPA 1974)). Here, the cited references fail to disclose each and every limitation in as complete detail as is contained in amended independent claims 1, 4, 7, 10, 13 and 16.

Claims 2, 3, 5, 6, 8, 9, 11, 12, 14, 15 and 17-24 depend from one of independent claims 1, 4, 7, 10, 13 and 16 and should be allowed for the reasons set forth above without regard to further patentable limitations contained therein.

If this rejection of the claims is maintained, the examiner is respectfully requested to point out where the above-mentioned features are disclosed in the cited references.

Conclusion

Applicants believe that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing or a credit card payment form being unsigned, providing incorrect information resulting in a rejected credit card transaction, or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicants hereby petition for such extension under 37 C.F.R. §1.136 and authorize payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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